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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,299	11/17/2003	John W. Steedly	GC-529	5225

23578 7590 10/28/2004

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,299

Applicant(s)

STEEDLY, JOHN W.

Examiner

James O. Hansen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “hook and loop connectors” [claims 4, 11 & 14] must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 5-6 and 8-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 2 & 8-9 are viewed as being misdescriptive of the disclosed embodiments since the drawings do not depict "smaller sized display cases" being stored within "larger sized display cases" [the figures do not support the recitation of a "third" display case]. As originally presented, applicant at best depicts a smaller sized display case (singular) being stored within a larger sized display case (singular). Applicant is required to clarify the disclosed claimed material, making the language of the claims consistent with applicant's intent. In Claim 2, the phrase "18. The method of claim 16 further..." [last three lines of the claim] is unclear and confusing as presently worded. In Claim 5, the phrase "displaying said art object on or within..." is unclear and confusing as presently worded. In Claim 10, the phrase "elements are covered with carpet or a fire retardant fabric" is viewed as being unclear in the sense that it is not clear if both cases i.e., the smaller and larger cases, each have a covering. It is clear from the drawings and the specification as originally filed that the outer case or larger case may be covered, but it is not clear if the smaller case is covered as well. Since claim 10 states that the front, rear and side elements are covered and each case has these elements, it is viewed that support for a covering on the smaller or housed case is not properly documented. Consequently, the remaining claims are rendered indefinite because they are dependent upon a rejected claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 & 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan [U.S. Patent No. 6,325,281]. Grogan (figures 1-4) teaches of a plurality of display cases (30, 40 for example), wherein the display cases are of increasing size (30 bigger than 40), and wherein the smaller sized display case is of a dimension such that that it is capable of being stored inside the larger sized display case, and wherein the display cases are capable of being attached to each other (such as in a nested arrangement) to form a single display unit, wherein each display case is comprised of upper, lower, front, rear and side elements (all disclosed in the specification), wherein the lower, front, rear and side elements of the display case are composed of polystyrene foam [expanded & open-cell polystyrene], wherein the lower element of at least the small case connects to the front, rear and side elements along the bottom edge of the front, rear and side elements, wherein the front, rear and side elements connect to one another along the vertical edges of the front, rear and side elements, wherein the lower, front, rear and side elements form a container capable of storing items for display, wherein the upper element (62, 63) forms a removable lid that fits within the front, rear and side elements, and wherein the lid for the larger container contains a top surface (61) capable of holding displayed items.

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Grogan teaches applicants inventive claimed structure as disclosed above, but does not 1) specifically state a method of storing, transporting and displaying an object, or 2) show the vertical elements of the larger case as being connected to the lower element along an edge [appears that the vertical and lower elements are integrally formed]. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to a) provide a display case and b) store, transport and display an object as prescribed by applicants method because the normal use of Grogan's structure would inherently accommodate such steps as set forth since Grogan teaches of a structurally similar device and the device is used to transport items while having the ability [level upper surface -fig. 1] to place one of the items on the case either before or after shipping. As to the construction of the display cases, it is viewed that forming the case as an integral member or forming the case from a plurality of elements does not distinguish the invention from the prior art in terms of patentability since the construction of the case lacks a new or unobvious functional relationship to the case itself. As to claim 5, an item may be stored within the cases of the prior art or on the cases as dictated by the user's needs or situation as readily apparent to the examiner. As to claim 6, the nested cases (fig. 4) may be separated (fig. 3) and the cases placed adjacent to each other as dictated by the user's needs or situation. As to the inclusion of more display cases within the system, it is viewed that the addition of another smaller case may be implemented depending upon the needs of the user, since such duplication of the parts i.e., an additional case, involves only routine skill in the art.

6. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan in view of Sabol Jr., [U.S. Patent No. 6,264,527]. Grogan teaches applicants

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inventive claimed structure as disclosed above, but does not show the elements of the case being connected via rabbetted joints with the aid of an adhesive. Sabol (figures 1-14) is cited as an evidence reference to show that it was known in the art to join elements of a case together with the use of rabbetted joints and an adhesive. Sabol shows a case formed by elements having rabbet joints (fig. 3 for example) and adhesive [glue]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the element joining means of Grogan by utilizing the rabbetted joints and adhesive as taught by Sabol because this arrangement would provide Grogan with a more stable and semi-permanently erected case that is constructed without the aid of tools and mechanical fasteners yet is more structurally sound due to the interconnection of the jointed elements [as opposed to joining elements along a single flat surface].

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan in view of Thor [U.S. Patent No. 4,194,657]. Grogan teaches applicant's inventive claimed structure as disclosed above, but does not show a side element containing a hook and loop connector to allow for multiple cases to be attached. Thor (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a hook and loop connector (49) on a side element of a case for the purpose of attaching the case to another object with a mating hook and loop connector. Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the case of the Grogan so as to incorporate a hook and loop connector (Velcro) onto a side element of Grogan's case as taught by Thor because this arrangement would allow the case of Grogan to be fastened to an adjacent structure

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employing a mating strip of a Velcro thereby removably attaching both structures to each other.

8. Claims 10, 12-13 & 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan in view of Morrison [U.S. Patent No. 4,325,597]. The examiner has taken the position that only the largest case [or exterior case when cases are nested] utilizes the covering. Grogan teaches applicant's inventive claimed structure as disclosed above, but does not show a carpet or fabric covering some of the elements. Morrison (figures 1-49) is cited as an evidence reference to show that it was known in the art to utilize a fabric or carpet to cover elements of a structure.

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the case of the Grogan so as to incorporate a fabric or carpet layer on the case's elements as taught by Morrison because this arrangement would provide the case of the prior art with a more esthetically pleasing appearance. It is noted that fire retardant is commonly utilized within fabrics and carpets. The vertical elements of the cases being substantially rectangular, while the upper and lower elements are substantially square (note the figs.).

As to the type of material utilized, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the type of material used to construct the case, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as an obvious matter of personal preference. Accordingly, where the material is not functionally related in a new or unobvious way to the device upon which it is assembled, the material will not distinguish the invention from the prior art in terms of patentability.

As to the bonding of the elements via an adhesive, the examiner takes the position that one of ordinary skill in the art at the time the invention was made would deem the incorporation of an applied adhesive to adjacently positioned elements for the purposes of securely attaching the elements in a prescribed configuration as an obvious adaptation not rising to the level of novelty for patentability purposes.

9. Claims 11 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan and Morrison and further in view of Thor. The prior art teaches applicant's inventive claimed structure as disclosed above, but does not show a side element containing a hook and loop connector to allow for multiple cases to be attached. Thor (figures 1-5) is cited as an evidence reference to show that it was known in the art to utilize a hook and loop connector (49) on a side element of a case for the purpose of attaching the case to another object with a mating hook and loop connector.

Accordingly, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the case of the prior art so as to incorporate a hook and loop connector (Velcro) onto a side element of the prior art's case as taught by Thor because this arrangement would allow the case of the prior art to be fastened to an adjacent structure employing a mating strip of a Velcro thereby removably attaching both structures to each other.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grogan and Morrison and further in view of Sabol Jr. The prior art teaches applicants inventive claimed structure as disclosed above, but does not show the elements of the case being connected via rabbetted joints. Sabol (figures 1-14) is cited as an evidence reference to show that it was known in the art to join elements of a case together with the use of rabbetted joints. Sabol shows a case formed by elements having rabbet

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joints (fig. 3 for example). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the element joining means of the prior art by utilizing the rabbetted joints as taught by Sabol because this arrangement would provide the prior art with a more stable and semi-permanently erected case that is constructed without the aid of tools and mechanical fasteners yet is more structurally sound due to the interconnection of the jointed elements [as opposed to joining elements along a single flat surface].

Conclusion

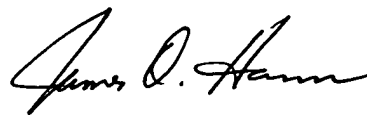
11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swiss publication 657,588, Bogadi, Sykes, Wenkman et al., Leya, Cann, and Lucci describe different case constructions. Carr et al., describes a structure utilizing fabric/carpet as a covering. Lantz describes a container utilizing a Styrofoam lid. Russo describes a Styrofoam shipping container. Tenney et al., describes a case system employing nested containers. Robinson describes a shipping container with notched elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 703-305-7414. The examiner can normally be reached on Mon.-Fri. 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "James O. Hansen".

James O. Hansen
Primary Examiner
Art Unit 3637

JOH
October 26, 2004